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HOUSE BILL 194

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Andy Nuñez

AN ACT

RELATING TO MINING; ENACTING THE CONSTRUCTION MATERIALS MINING  
ACT; CREATING A FUND; PROVIDING PENALTIES; MAKING AN  
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the  
"Construction Materials Mining Act".

Section 2. PURPOSE. -- The purpose of the Construction  
Materials Mining Act is to promote responsible use and  
reclamation of lands affected by exploration, mining or the  
extraction of construction materials that are vital to the  
welfare of New Mexico.

Section 3. DEFINITIONS. -- As used in the Construction  
Materials Mining Act:

A. "commission" means the mining commission

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1 established pursuant to the New Mexico Mining Act;

2 B. "construction materials" means any rock that is  
3 typically excavated or quarried for use in construction or road  
4 building, including clay, silt, sand, gravel, limestone,  
5 dimension stone, marble, shale, flagstone, scoria or base  
6 course, but not including coal or caliche;

7 C. "department" means the energy, minerals and  
8 natural resources department;

9 D. "director" means the director of the division or  
10 the director's designee;

11 E. "division" means the mining and minerals  
12 division of the department;

13 F. "mining operation" means an operation that  
14 engages in the process of obtaining construction materials from  
15 the earth's crust or from previously disposed or abandoned  
16 mining wastes, including exploration, open-cut mining and  
17 surface operation, and any on-site transportation or processing  
18 activities, but does not include:

19 (1) transportation, concentrating, milling,  
20 cleaning, preparation and other off-site processing activities  
21 not conducted on the permit area;

22 (2) the excavation or grading of construction  
23 materials by the owners or lessees of the property solely for  
24 on-site purposes not associated with a mining operation; or

25 (3) any operation regulated under the New

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1 Mexico Mining Act;

2 G. "permit area" means the geographical area  
3 defined in the permit for a mining operation on which mining is  
4 conducted or is expected to cause a disturbance;

5 H. "reclamation" means the employment during and  
6 after a mining operation of measures designed to mitigate the  
7 disturbance caused by the mining operation and to create a  
8 post-mining land use as approved by the director; and

9 I. "secretary" means the secretary of energy,  
10 minerals and natural resources.

11 Section 4. MINING OPERATION PERMITS REQUIRED. -- Except as  
12 otherwise provided in this section, no person shall conduct a  
13 mining operation after December 31, 2005 without a permit  
14 issued by the division. For good cause shown, the division may  
15 allow a mining operation to operate without a permit for a  
16 stated period not to exceed twelve months after December 31,  
17 2005 if the division has received a timely and complete permit  
18 application for the mining operation prior to December 31,  
19 2005.

20 Section 5. MINING OPERATION RULES. -- Prior to October 1,  
21 2005, the division shall adopt and promulgate, with the  
22 secretary's approval as required in Subsection E of Section  
23 9-1-5 NMSA 1978, rules to carry out the provisions of the  
24 Construction Materials Mining Act, including rules:

25 A. for the permit application process, which may

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1 provide different application requirements for different  
2 categories of mining operations, and rules for the streamlined  
3 permit application review process;

4 B. that provide for the issuance, renewal,  
5 revision, suspension and revocation of mining operation  
6 permits;

7 C. that ensure the public receives notice of each  
8 application for issuance, renewal or revision of a mining  
9 operation permit, for a variance or for release of financial  
10 assurance;

11 D. establishing a schedule of annual administrative  
12 and permit fees that cover no less than one-half the estimated  
13 costs, and no more than the actual costs, of administration,  
14 implementation, enforcement, investigation and permitting  
15 pursuant to the provisions of the Construction Materials Mining  
16 Act. The size of the mining operation, anticipated inspection  
17 frequency and other factors deemed relevant by the division  
18 shall be considered in determining fees. The fees established  
19 pursuant to this subsection shall be deposited in the  
20 Construction Materials Mining Act fund;

21 E. that provide for permit modifications, including  
22 criteria to determine which significant permit modifications  
23 shall require public notice and an opportunity for public  
24 hearing pursuant to the Construction Materials Mining Act;

25 F. that govern the granting of variances by the

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1 division, including provisions for public notice and an  
2 opportunity for a hearing in the locality where the variance  
3 will be operative, and requiring the petitioner to prove that  
4 failing to grant a variance will impose an undue economic  
5 burden and that granting the variance will not result in a  
6 significant threat to human health, safety or the environment;  
7 and

8 G. necessary and appropriate to carry out the  
9 purposes and provisions of the Construction Materials Mining  
10 Act.

11 Section 6. DIVISION--DUTIES.--The division shall:

12 A. exercise all powers of administration and  
13 enforcement of the Construction Materials Mining Act or rules  
14 promulgated in accordance with that act not otherwise expressly  
15 delegated to the secretary or the commission;

16 B. develop standardized forms and instructions for  
17 applications, public notices, financial assurance instruments,  
18 reclamation plans and permits to simplify the process for both  
19 applicants and the division;

20 C. coordinate the review and issuance of permits  
21 for construction materials mining operations with all other  
22 state or federal permit processes applicable to the proposed  
23 operations;

24 D. have the right to enter any lands, without prior  
25 notice, where a mining or reclamation operation is being

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1 conducted to enforce applicable requirements of the  
2 Construction Materials Mining Act, rules promulgated in  
3 accordance with that act and permit conditions for mining  
4 operations and reclamation. The division shall conduct  
5 inspections, on an irregular basis and without prior notice to  
6 the permittee, when a mining operation is conducting  
7 significant reclamation activities and following completion of  
8 all significant reclamation activities, but prior to release of  
9 financial assurance;

10 E. enter into agreements with appropriate federal  
11 and state agencies for coordinating the review and issuance of  
12 all necessary permits to conduct mining operations in New  
13 Mexico; and

14 F. create an advisory committee, the membership of  
15 which shall balance the interests of affected government  
16 entities, the mining industry, environmental groups, regulatory  
17 agencies and other persons as determined by the division to  
18 represent a constituency that will be affected by the  
19 provisions of the Construction Materials Mining Act.

20 Section 7. PERMIT APPLICATIONS. --

21 A. The division may establish by rule a schedule  
22 for the submission of permit applications.

23 B. An applicant for a mining operation shall submit  
24 an application to the division that includes:

- 25 (1) disclosure of ownership and controlling

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1 interests in the mining operation or submission of the  
2 applicant's most recent form 10K required by the federal  
3 securities exchange commission;

4 (2) a map showing the location of the mining  
5 operation, a description of the type and method of mining, a  
6 description of the mining deposit, overburden and topsoil and  
7 how the mining operation will be designed and operated to meet  
8 reclamation requirements;

9 (3) the anticipated starting and termination  
10 dates of each phase of the mining operation, the anticipated  
11 life of the mining operation and the number of acres of land to  
12 be disturbed;

13 (4) the location of surface waters within one-  
14 half mile of the permit area, the estimated depth to ground  
15 water and proof of water rights necessary for the operation of  
16 the life of the mining operation;

17 (5) a reclamation plan;

18 (6) evidence that other applicable local,  
19 state and federal permits and land-use approvals required to be  
20 obtained by the mining operation have been issued and that the  
21 applicant has the right to enter the permit area to conduct  
22 mining and reclamation;

23 (7) proof that the applicant has provided  
24 notice of the application to:

25 (a) the owners of all properties located

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1 within one-half mile of the permit area;

2 (b) all municipalities, counties and  
3 Indian nations, tribes and pueblos within a ten-mile radius of  
4 the property on which the mining operation is or will be  
5 located;

6 (c) the public, by publishing in a  
7 newspaper of general circulation in each county in which the  
8 property on which the mining operation is or will be located  
9 and by posting a notice in at least four publicly accessible  
10 and conspicuous places; and

11 (d) all persons who have made a written  
12 request to the division for notice concerning this operation or  
13 for notice of all applications pursuant to the Construction  
14 Materials Mining Act; and

15 (8) the permit application fee.

16 Section 8. FINANCIAL ASSURANCE. --

17 A. Prior to the issuance of a permit, an applicant  
18 shall file with the division financial assurance sufficient to  
19 ensure the completion of the performance requirements of the  
20 permit, including closure and reclamation, if the work had to  
21 be performed by the division or a third-party contractor.  
22 Financial assurance requirements shall not duplicate or be less  
23 comprehensive than applicable federal financial assurance  
24 requirements. The form and amount of the financial assurance  
25 shall be subject to the approval of the division prior to

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1 issuance of a permit.

2 B. The division shall periodically review the  
3 permittee's financial assurance to account for any inflationary  
4 increases and anticipated changes in reclamation or closure  
5 costs.

6 C. When the permittee files an application with the  
7 division for the release of all or part of the permittee's  
8 financial assurance, the application shall describe the  
9 reclamation measures completed and contain an estimate of the  
10 costs of reclamation measures that have not been completed.  
11 Prior to release of any portion of the permittee's financial  
12 assurance, the division shall conduct an inspection and  
13 evaluation of the reclamation work involved and shall  
14 coordinate with other agencies that have issued permits or  
15 required financial assurance for the operation.

16 D. The division may release in whole or in part the  
17 financial assurance if the reclamation covered by the financial  
18 assurance meets the requirements of the Construction Materials  
19 Mining Act and rules promulgated in accordance with that act;  
20 provided that the division shall retain financial assurance at  
21 least equal to the approved estimated costs of completing  
22 reclamation measures that have not been completed; and provided  
23 further that for revegetated areas, the division shall retain  
24 the amount of financial assurance necessary for a third party  
25 to reestablish vegetation for a period of three years after the

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1 last year of augmented seeding, fertilizing, irrigation or  
2 other work.

3 Section 9. RECLAMATION PLANS. --

4 A. Every reclamation plan shall include a detailed  
5 description of the proposed post-mining land use and how that  
6 use is to be achieved, assurances for the protection of human  
7 health and safety and the environment and that provides:

8 (1) that the land will be reclaimed to a post-  
9 mining land use that is consistent with local ordinances,  
10 approved by the division and accompanied by a copy of the  
11 comments concerning the proposed use by the legal or equitable  
12 owner of record of the surface of the proposed permit area;

13 (2) a final topography that will take into  
14 consideration the post-mining land use, surrounding areas and  
15 the pre- and post-mine watershed size and drainages;

16 (3) that to accomplish practical use of soil  
17 materials, the topsoil or suitable material will be salvaged,  
18 and a description of how the topsoil will be salvaged during  
19 mining operations and the depth of topsoil or suitable material  
20 to be placed on disturbed areas;

21 (4) that metal and other mine-generated waste  
22 will be buried in compliance with the provisions of the Solid  
23 Waste Act or removed;

24 (5) that reclamation will support the post-  
25 mining land use and will stabilize the site and control erosion

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1 and, where revegetation is necessary for the post-mining land  
2 use, there must be an effective and long-lasting vegetative  
3 cover that is capable of self-regeneration; and

4 (6) a schedule of when reclamation operations  
5 will begin and end.

6 B. Except as provided in Subsection C of this  
7 section, every reclamation plan shall provide for reclamation  
8 to be conducted concurrently with the mining operation to the  
9 extent practicable, but in no event shall reclamation commence  
10 any later than one year after the cessation of mining activity.  
11 All reclamation shall be completed within five years after the  
12 completion of the mining operation or of each phase of the  
13 mining operation.

14 C. The division may suspend reclamation  
15 requirements for a period of not more than two years to allow  
16 for the resumption of mining and may require the operator to  
17 take actions to stabilize the site and control erosion during  
18 any period of suspension.

19 D. The division shall establish by rule reclamation  
20 performance standards that address erosion control, site  
21 stability, vegetation standards and establishment of the post-  
22 mining land use.

23 Section 10. PUBLIC HEARINGS. -- If the division determines  
24 that there is substantial public interest in an application, no  
25 action shall be taken on the application until a public hearing

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1 is held in the locality of the mining operation at which all  
2 interested persons shall be given a reasonable chance to submit  
3 data, views or arguments orally and in writing.

4 Section 11. STREAMLINED PERMIT APPLICATION REVIEW  
5 PROCESS. --

6 A. The division shall establish a streamlined  
7 permit application review process for:

8 (1) mining operations to be conducted on less  
9 than five acres; and

10 (2) mining operations to be conducted on less  
11 than ten acres when the operation is conducted solely to obtain  
12 materials for road, utility or similar construction purposes  
13 under a federal, state or local government contract that  
14 requires work to commence within a specified short period of  
15 time.

16 B. A mining operation located within a one-half  
17 mile radius of another mining operation operated by the same  
18 entity shall not receive a streamlined permit application  
19 review process and the division shall exclude from the  
20 streamlined review process any proposed mining operation or  
21 portion of a mining operation that is located in an inhabited  
22 or an environmentally sensitive area as defined by rule.

23 C. The streamlined permit application process shall  
24 provide:

25 (1) for a simplified application and public

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1 notification process;

2 (2) that every application shall include a  
3 reclamation plan and financial assurance; and

4 (3) a schedule for calculating financial  
5 assurance amounts that shall not be less than two thousand five  
6 hundred dollars (\$2,500) per acre.

7 D. If the application qualifies for a streamlined  
8 review process, the division shall issue or deny the permit  
9 within sixty days after submittal of the completed application  
10 unless a public hearing is conducted.

11 Section 12. PERMITS--ISSUANCE--SUSPENSION AND  
12 REVOCATION.--

13 A. The division shall issue the permit for a mining  
14 operation if it finds that:

15 (1) the permit application is complete;

16 (2) the financial assurance is adequate and  
17 has been provided;

18 (3) the proposed reclamation plan conforms to  
19 the requirements imposed by the Construction Materials Mining  
20 Act and rules promulgated in accordance with that act and is  
21 economically and technically feasible;

22 (4) the proposed mining operation, or any part  
23 of the mining operation, is not contrary to the requirements  
24 imposed by the Construction Materials Mining Act, the rules  
25 promulgated in accordance with that act or any applicable

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1 federal, state or local laws or rules;

2 (5) the mining operation is designed to meet  
3 without perpetual care all requirements imposed by the  
4 Construction Materials Mining Act and rules promulgated in  
5 accordance with that act following closure;

6 (6) public concerns expressed during public  
7 hearings are adequately addressed; and

8 (7) the applicant; the operator or owner of  
9 the mining operation; any person or entity directly controlled  
10 by the applicant, operator or owner; and any person or entity  
11 that directly controls the applicant, operator or owner:

12 (a) are not currently charged under the  
13 terms of another permit issued by the division with a violation  
14 that is unabated and is not under appeal, and have not  
15 forfeited or had forfeited financial assurance required for any  
16 mining, reclamation or exploration permit in the United States,  
17 unless the violation occurred prior to the initiation of a  
18 legal relationship between the permit applicant and the  
19 violator; and

20 (b) have not demonstrated a pattern of  
21 willful violations of the Construction Materials Mining Act,  
22 the New Mexico Mining Act or other New Mexico environmental  
23 statutes, unless the violations occurred prior to the  
24 initiation of a legal relationship between the permit applicant  
25 and the violator.

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1           B. Permits shall be issued for a term not to exceed  
2 five years. Each permit may be subject to an annual review by  
3 the division.

4           C. Each permit holder shall submit an annual report  
5 to the division that contains the information on the status of  
6 the mining operation required by rules promulgated in  
7 accordance with the Construction Materials Mining Act,  
8 including information on annual production, disturbed acreage  
9 and reclaimed acreage.

10          D. A permit may be revoked or suspended by order of  
11 the division for violation of its terms or conditions or  
12 violation of the provisions of the Construction Materials  
13 Mining Act or rules promulgated in accordance with that act.

14          E. A person who is adversely affected by a decision  
15 to deny, suspend or revoke a permit may appeal to the  
16 commission as provided in Section 69-36-15 NMSA 1978. Appeals  
17 from final decisions of the commission shall be taken as  
18 provided in Section 39-3-1.1 NMSA 1978.

19          Section 13. FUND CREATED. --The "Construction Materials  
20 Mining Act fund" is created in the state treasury. The fund  
21 consists of appropriations, permit application and  
22 administrative fees and money from the federal government or  
23 other state agencies related to administration or enforcement  
24 of the Construction Materials Mining Act. The fund shall be  
25 administered by the division and money in the fund is

1 appropriated to the department to carry out the purposes of the  
2 Construction Materials Mining Act. Disbursements from the fund  
3 shall be made upon warrants drawn by the secretary of finance  
4 and administration pursuant to vouchers signed by the director  
5 or the director's authorized representative. Any unexpended or  
6 unencumbered balance remaining in the fund at the end of a  
7 fiscal year shall not be transferred to any other fund.

8 Section 14. ENFORCEMENT POWERS-- ADMINISTRATIVE  
9 PENALTIES-- APPEAL TO COMMISSION. --

10 A. If the division determines that a condition or  
11 practice exists that violates a requirement of the Construction  
12 Materials Mining Act, a rule promulgated in accordance with  
13 that act or a permit issued in accordance with that act, and  
14 the condition, practice or violation also creates an imminent  
15 danger to the health or safety of the public or will cause  
16 significant imminent environmental harm, the division shall  
17 immediately order a cessation of the mining operation or that  
18 portion of the mining operation relevant to the condition,  
19 practice or violation. A cessation order issued by the  
20 division shall remain in effect until the division determines  
21 that the condition, practice or violation has been abated or  
22 until modified, vacated or terminated by the division or the  
23 commission.

24 B. If the division determines that an owner or  
25 operator is in violation of a requirement of the Construction

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1 Materials Mining Act, a rule promulgated in accordance with  
2 that act or a permit issued in accordance with that act and the  
3 violation does not create an imminent danger to the health or  
4 safety of the public or will not cause significant imminent  
5 environmental harm, the division shall issue a notice to the  
6 owner or operator fixing a reasonable time, not to exceed sixty  
7 days, for the abatement of the violation. If, upon expiration  
8 of the period of time as originally fixed or subsequently  
9 extended for good cause shown, the division finds that the  
10 violation has not been abated, it shall immediately order a  
11 cessation of the mining operation or the portion of the mining  
12 operation relevant to the violation. The cessation order of  
13 the division shall remain in effect until the division  
14 determines that the violation has been abated.

15 C. If the division determines that a pattern of  
16 violations of the requirements of the Construction Materials  
17 Mining Act or of the rules promulgated in accordance with that  
18 act or the permit required by that act exists or has existed  
19 and, if the division also finds that such violations are caused  
20 by the unwarranted failure of the owner or operator to comply  
21 with the requirements of that act, rule or permit or that such  
22 violations are willfully caused by the owner or operator, the  
23 division shall immediately issue an order to the owner or  
24 operator to show cause as to why the permit should not be  
25 suspended or revoked.

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1           D. The division or the commission may assess an  
2 administrative penalty not to exceed ten thousand dollars  
3 (\$10,000) per violation for each day of noncompliance with the  
4 provisions of the Construction Materials Mining Act, a rule  
5 promulgated in accordance with that act, an order of the  
6 division, a permit condition or an order resulting from a  
7 hearing.

8           E. Circumstances to be considered by the division  
9 or the commission in determining the amount of the penalty to  
10 be assessed shall be the seriousness of the violation, efforts  
11 to comply with the requirements of the Construction Materials  
12 Mining Act, recent history of violations and other relevant  
13 factors provided in the rules promulgated in accordance with  
14 that act.

15           F. In determining whether significant imminent  
16 environmental harm may occur, the division may consider  
17 whether:

18                   (1) the condition, practice or violation  
19 creates a reasonable probability of serious or widespread  
20 adverse environmental impact;

21                   (2) the condition, practice or violation  
22 threatens important habitat, important wildlife or domestic  
23 animals; or

24                   (3) mining that requires a permit is conducted  
25 either:

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- 1 (a) without a permit;
  - 2 (b) outside of a permit area; or
  - 3 (c) on previously undisturbed land
- 4 within a permit area where mining is not authorized by the
- 5 permit.

6 G. In addition to the remedies provided in this

7 section, whenever the division determines that a person has

8 violated or is violating a requirement of the Construction

9 Materials Mining Act, a rule promulgated in accordance with

10 that act or a permit or order issued pursuant to that act, the

11 division may commence a civil action in the district court of

12 Santa Fe county for appropriate relief to compel compliance,

13 including injunctive relief.

14 H. A person who is adversely affected by a decision

15 of the division, including the assessment of an administrative

16 penalty, may appeal to the commission as provided in Section

17 69-36-15 NMSA 1978. Appeals from final decisions of the

18 commission shall be taken as provided in Section 39-3-1.1 NMSA

19 1978.

20 Section 15. CITIZEN SUITS. --

21 A. A person having an interest that is or may be

22 adversely affected may commence a civil action on the person's

23 own behalf to compel compliance with the Construction Materials

24 Mining Act. Such action may be brought against:

- 25 (1) a person other than the department or

1 commission who is alleged to be in violation of a rule, order  
2 or permit issued in accordance with the Construction Materials  
3 Mining Act; or

4 (2) the department or commission only when  
5 there is alleged a failure to perform a nondiscretionary act  
6 under the Construction Materials Mining Act.

7 B. No action pursuant to this section shall be  
8 commenced if the department or commission has commenced and is  
9 diligently prosecuting a civil action in a court of this state  
10 or an administrative enforcement proceeding to require  
11 compliance with the Construction Materials Mining Act. In an  
12 administrative or court action commenced by the department or  
13 commission, a person whose interest may be adversely affected  
14 and who has provided notice pursuant to this section prior to  
15 the initiation of the action may intervene as a matter of  
16 right.

17 C. An action shall not be commenced pursuant to  
18 this section prior to sixty days after the plaintiff has given  
19 written notice to the department, the commission, the attorney  
20 general and the alleged violator of the Construction Materials  
21 Mining Act; provided, however, when the violation or order  
22 complained of constitutes an immediate threat to the health or  
23 safety of the plaintiff or would immediately and irreversibly  
24 impair a legal interest of the plaintiff, an action pursuant to  
25 this section may be brought immediately after notification of

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1 the proper parties.

2 D. An action brought pursuant to this section  
3 alleging a violation of the Construction Materials Mining Act  
4 or the rules promulgated pursuant to that act other than suits  
5 against the department or commission shall be brought in the  
6 district court of the judicial district in which the mining  
7 operation complained of is located. Suits against the  
8 department or commission shall be brought in the district court  
9 of Santa Fe.

10 E. In an action brought pursuant to this section,  
11 the department or commission, if not a party, may intervene as  
12 a matter of right.

13 F. The district court, in issuing a final order in  
14 an action brought pursuant to this section, may award costs of  
15 litigation, including attorney and expert witness fees, to a  
16 party whenever the court determines such award is appropriate.  
17 The court may, if a temporary injunction or preliminary  
18 injunction is sought, require the filing of a bond or  
19 equivalent security in accordance with the rules of civil  
20 procedure.

21 Section 16. CRIMINAL PENALTIES. --

22 A. Any person who knowingly or willfully violates  
23 the Construction Materials Mining Act, rules promulgated in  
24 accordance with that act or a condition of a permit issued  
25 pursuant to that act or who fails or refuses to comply with a

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1 final decision or order of the division or commission is guilty  
2 of a misdemeanor and may be punished by a fine not to exceed  
3 ten thousand dollars (\$10,000) per day of violation or  
4 imprisonment less than one year, or both.

5 B. Circumstances to be considered by the district  
6 court in determining the sentence shall be the seriousness of  
7 the violation, the efforts taken to comply with the  
8 requirements of the Construction Materials Mining Act and the  
9 recent history of violations of the defendant.

10 Section 17. LIMITATIONS. --

11 A. Nothing in the Construction Materials Mining Act  
12 shall supersede requirements and standards of other applicable  
13 federal or state law.

14 B. Nothing in the Construction Materials Mining Act  
15 preempts the authority of political subdivisions to regulate  
16 mining operations under the zoning and land use authority of  
17 the local subdivisions, or to regulate the off-site impacts of  
18 mining operations not regulated under that act, including the  
19 impacts of dust, noise and vehicular traffic.

20 C. Nothing in the Construction Materials Mining Act  
21 shall limit any right that a person or class of persons may  
22 have pursuant to a statute or common law to seek enforcement of  
23 the Construction Materials Mining Act and the rules promulgated  
24 in accordance with that act, or to seek any other relief.

25 Section 18. APPROPRIATION. -- Two hundred fifty thousand

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1 dollars (\$250,000) is appropriated from the general fund to the  
2 Construction Materials Mining Act fund for expenditure in  
3 fiscal year 2006 and subsequent fiscal years for use by the  
4 mining and minerals division of the energy, minerals and  
5 natural resources department in carrying out the provisions of  
6 the Construction Materials Mining Act. Any unexpended or  
7 unencumbered balance remaining at the end of a fiscal year  
8 shall not revert to the general fund.

9 Section 19. EFFECTIVE DATE. --The effective date of the  
10 provisions of this act is July 1, 2005.

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